REMARKS

[0002]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 5-9, 11-12, 27-28, 31-33 and 44-46 are presently pending. Claims 1, 5, 8, 9, 11, 27-28, 31 and 44-46 have been amended herein. No claims have been withdrawn or cancelled herein. No new claims have been added herein.

Statement of Substance of Interview

[0003]   Examiner Frink and his supervisor, Examiner Caldwell graciously talked with me—the undersigned representative for the Applicant—on May 29th, 2008 at the USPTO. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to each of us in our common goal of an expedited prosecution of this patent application.

[0004]   During the interview, I discussed how the claims differed from the cited reference, namely Servan-Schreiber, Armstrong and Swix. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0005]   The Examiner was receptive to the proposals, and I understood the Examiner to tentatively concur that the proposed clarifying claim amendments appeared to distinguish the claims from the cited reference. However, the Examiner indicated that he would need to review the cited art more carefully and do another search, and requested that the proposed amendments be presented in writing.

[0006]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0007]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0008]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0009]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 5, 8, 9, 11, 27-28, 31 and 44-46 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0010] Support for the amendments to claims 1, 5, 8, 9, 11, 27-28, 31 and 44-46 is found in the specification at least on pages 13-14, 17-18 and 21-22.

Substantive Matters

Claim Rejections under § 103

[0011]   Claims 1, 5-9, 11-12, 27-28, 31-33 and 44-46 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein and the discussion during the above-mentioned Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0012]   The Examiner's rejections are based upon the following references in combination:

- **Servan:** *Servan, et al.,* US Patent No. 6,892,354 (issued May 10, 2005);

- **Armstrong:** *Armstrong, et al.,* US Patent Publication No. 2005/0256941 (published November 17, 2005);

- **Swix:** *Swix, et al.,* US Patent No. 6,718,552 (issued April 6, 2004);

- **Nakayama:** *Nakayama, et al.,* US Patent No. 6,493,748 (issued December 10, 2002);

- **Dunlap:** *Dunlap, et al.,* US Patent No. 6,760,749 (issued July 6, 2004); and

- **Chon:** *Chon,* Korean Patent Publication No. 2002-0069272 (published August 30, 2002)

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Overview of the Application

[0013]   The Application describes achieving quick startup of streaming video content. Streaming video content is provided in two parts generally comprising a static image and dynamic video content. A streaming media player is configured to buffer the static image and display it promptly while buffering the remaining video content in the background. Benefits of the disclosed systems and methods include a reduced waiting period between the selection of video content and the playback of content by a media player.

Cited References

[0014]   The Examiner cites Servan-Schreiber (herein Servan) as the primary reference in the obviousness-based rejections. The Examiner cites Armstrong as a secondary reference, Swix as a tertiary reference, and Nakayama, Dunlap and Chon as quaternary references in the obviousness-based rejections.

Servan

[0015]   Servan describes advertising on-line during a world wide web session by downloading full page advertisements from a predetermined site (e.g., remote server) to a user's computer during a communication link idle time. The downloaded advertising data are stored and then displayed when the user makes a request to retrieve new data, for example, a hyperlink request to a selected remote server. The advertisement remains displayed while the connection to the

selected remote server is made and at least until a portion of new content data is transmitted to the user terminal.

Armstrong

[0016] Armstrong describes providing rich media content over a computer network. In accordance with the invention, a server on a physical or wireless computer network polls the software, hardware, or appliance of an end user on the network, for the availability of software and/or hardware necessary for the display of rich media content. This polling is transparent to the end user and requires no action on the part of the end user. Based on the client's response, the server sends an appropriately formatted version of the rich media file. The user is not necessarily aware that this transfer is taking place, as it is taking place in the background, while the user is performing other tasks or viewing content other than that which is being transferred. Once the rich media has been transferred in its entirety and stored, or cached, in the local memory of the client, the rich media content is displayed automatically in a designated display area. The user may then be able to manipulate the rich media content without affecting the other content or tasks that were being displayed prior to the display of the rich media content.

Swix

[0017] Swix describes providing targeted advertisements over a networked media delivery system, especially interactive television networks, the system comprising tracking and storing viewer selections, analyzing the selections, and

delivering targeted advertisements that appeal to the particular subscriber making the selections. The system includes a merge processor, a file server, a profile processor, and a broadcast server contained in a head end in communication with a plurality of set-top boxes through a distribution network. Based on a subscriber's viewing habits and account information, the present invention delivers different, customized advertisements to different viewers watching the same program or channel. The present invention delivers the advertisements as either still frame bit maps or as video streams advertisement insertion in a playlist or a broadcast media program.
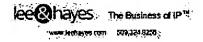
Nakayama

[0018]   Nakayama describes directly recording, on a medium, contents on a server that do not need to be updated for a fixed period of time, and desired contents in a local device can be accessed by the same operation procedure as that for accessing the server storing the contents. When a request to acquire delivery information is made from information browsing unit with respect to a local proxy server, the local proxy server analyzes the request, and acquires a server-side control file managed by a server with respect to which the request has been made, and a local-side control file in duplicate information storing unit. If corresponding information exists in the duplicate information storing means and also if the information has the latest version number, the information is fetched from the duplicate information storing unit; otherwise the delivery information is fetched from a server computer.

Dunlap

[0019]   Dunlap describes a multimedia distribution device including an embedded stream encoder and an embedded stream server for encoding and transmitting, through utilization of streaming technology, audio and video content originating from a videoconference site and received through a network interface, to network-connected terminals. In situations in which the videoconference includes the presentation of slides or other content, the device may include a file conversion engine for converting the presentation content received through a data interface into a standard graphic image format, for synchronous distribution with the audio and video content stream. The multimedia content may be viewed in a multiple-window interface, wherein the audio and video content is presented by a streaming media player, and the presentation content is displayed in a separate window. Additionally, the interface may include an interactive text entry interface, through which the viewer may submit comments or questions to the conference presenters. In an operating architecture that includes a separate remote streaming server and a separate network server, a method of distributing content to a large number of viewers includes continuously transmitting the current and successive presentation images to the network server for caching, whereby the viewer web browser can request and locally cache the images prior to arrival of the associated audio and video content.

Chon

[0020]   Chon describes compressing and displaying an animation file that has been split into a plurality of files.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0021]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Servan, Armstrong and Swix

[0022]   The Examiner rejects claims 1, 5-6, 8, 11-12, 27-28, 31-32 and 44-45 under 35 U.S.C. § 103(a) as being unpatentable over Servan, Armstrong and Swix.   Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0023]   Applicant submits that the combination of Servan, Armstrong and Swix does not render obvious at least the following elements as recited in this claim, as amended (with emphasis added):

- "responsive to the indication, receiving a static image from a content provider, wherein the static image is *a first video frame representing an introductory section of the video content* selected by the user, the first video frame being *extracted out* by the content provider as a formatted image file;"

[0024] The Examiner indicates (Action, p. 3-4) the following with regard to this claim:

7. Regarding claim 1, Servan shows receiving an advertisement from a content provided (Fig. 1), displaying said advertisement for at least a fixed duration (Fig.1, col. 3 lines 26 – 30), transmitting and loading (comprising buffering) new content (Abstract)

and wherein the advertisement is displayed beyond the fixed duration if the buffering is not complete when the fixed duration expires (Abstract, col. 3 lines 26 – 30).

Servan does not show where the receiving of said image is preceded by a user selecting a video content, where said advertisement is a static image, or where said buffered new content is video content.

Armstong shows where said advertisement is a static image, or where said buffered new content is video content ([0020, 0024]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan with that of Armstrong in order to provide explicit support for specific advertisement types, such as static images or video files (Armstrong, Abstract, [0020, 0024]).

Servan in view of Armstong do not show where the receiving of said image is preceded by a user selecting a video content.

Swix shows a user selecting a video content (col. 10 lines 21 – 34) and after the selecting, receiving a static image (col. 4 lines 40 – 52, col. 5 lines 43 – 48, col. 9 lines 45 – 53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Servan in view of Armstrong with that of Swix in order to provide media resources to users based in a flexible and adaptable manner (Swix, Abstract).

[0025] Servan teaches a system that provides the downloading of full page advertisements to a user's computer during a communication link idle time. (Abstract) These advertising pages are cached and stored prior to a user selecting a web page to be displayed. When the user selects the web page to be

displayed, a previously cached advertising page is displayed for a minimum amount of time. (Col 3 Lines 22-30) Clearly, Servan is directed toward displaying pre-stored advertisements while a new web page is downloaded. There is no association, link or reference between the advertisement and the web page that the user selects, as shown in Fig 5A of Servan, where a Reebok advertisement is displayed when a user is trying to access a news site. In contrast, claim 1 has been amended to recite "wherein the static image is *a first video frame representing an introductory section of the video content* selected by the user, the first video frame being *extracted out* by the content provider as a formatted image file."

[0026]   Armstrong teaches a system that provides rich media content to a client for display by polling the client to determine the availability of software and/or hardware necessary for the display of the rich media content so that an appropriate formatted version of the rich media file can be sent. The rich media content is sent in the background, while the user is performing *other tasks or viewing other content* than that which is being transferred. Once the rich media content has been transferred *in its entirety* and stored, or cached, the rich media content is displayed automatically. (Abstract and Para [0024]) Thus, Armstrong makes no association between what is currently displayed and what is being transferred in the background. In this scenario a problem arises when the user is not currently performing the aforementioned "other tasks." In other words, what if the rich media content is the first or initial content a user would like to view in a session? The user would experience a delay because Armstrong teaches that the rich media content is not displayed until it has been transferred

in its entirety. In contrast, claim 1 has been amended to recite "wherein the static image is *a first video frame representing an introductory section of the video content* selected by the user, the first video frame being *extracted out* by the content provider as a formatted image file."

[0027] Finally, the Examiner has introduced Swix as a tertiary reference, stating that Swix teaches receiving a static image after selecting video content. While Swix teaches delivering targeted advertisements in a playlist created in response to the selection of a program (Col 9 Lines 45-54 and Col 10 Lines 21-25), Swix does not teach that a "static image is *a first video frame representing an introductory section of the video content* selected by the user, the first video frame being *extracted out* by the content provider as a formatted image file" as recited in claim 1. In fact, Swix teaches that a navigator of a set-top-box recognizes an advertisement insertion slot and queries a head end for an advertisement insert, and then depending on the customer profile or demographic, a file server must locate and deliver a targeted advertisement. (Col 10 Lines 26-33) This targeted advertisement is separate from the program selected by the user because the system sends different advertisements depending on the "target" audience. There is no teaching relating to extracting the static image as the first video frame of the video content.

[0028] As shown above, the combination of Servan, Armstrong and Swix does not teach or render obvious all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 5-6, 8, 11-12 and 44

[0029] These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 27

[0030] Applicant submits that the combination of Servan, Armstrong and Swix does not render obvious at least the following elements as recited in this claim, as amended (with emphasis added):

- "playing back first video content of a first video clip;"
- "during the playing back, buffering second video content of a second video clip received from a content provider;"
- "displaying *the last frame of the first video clip as a static image* for a fixed duration while buffering the second video content, wherein, in an event the second video content is not yet fully buffered at the expiration of the fixed duration, then the displaying of the static image continues until the second video content is fully buffered."

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[0031] The Examiner indicates (Action, p. 5-6) the following with regard to this claim:

13. Regarding claim 27, Servan in view of Armstrong and Swix further show receiving a user selecting a video content (Swix, col. 10 lines 21 – 34), after the selecting, receiving static image from a content provider (Swix col. 4 lines 40 - 52, col. 5 lines 43 -48 and col. 9 lines 45 - 53), buffering video content from the content provider, and displaying the static image for, at least, a fixed duration, wherein, if the video content is not yet fully buffered at the expiration of the fixed duration, then the displaying of the static image continues until the video content is fully buffered (Armstrong, [0020, 0024], Servan col. 3 lines 26 - 30).

[0032] As explained above with respect to claim 1, Servan teaches displaying pre-cached advertisements while a web page is being downloaded. Armstrong teaches downloading rich media content in the background while a user is performing other tasks. Swix teaches inserting advertisements into a playlist constructed in response to a pay-per-view movie order.

[0033] None of these references, alone or in combination, teach "displaying *the last frame of the first video clip as a static image* for a fixed duration while buffering the second video content "as recited in claim 27.

[0034] Instead, both Servan and Swix are directed toward inserting and displaying an advertisement, the advertisement being separate from the web page or program being viewed. Armstrong is directed toward downloading rich media content in the background while a user is performing other tasks, and

does not give any teaching relating to displaying content while buffering when a user is not performing "other tasks."

[0035]   As shown above, the combination of Servan, Armstrong and Swix does not teach or render obvious all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 28, 31, 32 and 45

[0036]   These claims ultimately depend upon independent claim 27.   As discussed above, claim 27 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, some or all of these claims may also be allowable for additional independent reasons.

Based upon Servan, Armstrong, Swix and Nakayama

[0037]   The Examiner rejects claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Servan, Armstrong, Swix and Nakayama.   Applicant respectfully traverses the rejection of this claim. Nakayama does not account for the deficiencies in the combination of Servan, Armstrong and Swix as explained above with respect to claim 1, from which claim 9 depends.   Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Based upon Servan, Armstrong, Swix and Dunlap

[0038]   The Examiner rejects claims 7 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Servan, Armstrong, Swix and Dunlap.   Applicant respectfully traverses the rejection of these claims. Dunlap does not account for the deficiencies in the combination of Servan, Armstrong and Swix as explained above with respect to claims 1 and 27, from which claims 7 and 33 respectively depend. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Based upon Servan, Armstrong, Swix and Chon

[0039]   The Examiner rejects claim 46 under 35 U.S.C. § 103(a) as being unpatentable over Servan, Armstrong, Swix and Chon.   Applicant respectfully traverses the rejection of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 46

[0040]   In addition to the explanation given above with respect to claim 1 regarding the combination of Servan, Armstrong and Swix, Applicant further submits that the Chon reference is not combinable with the combination of Servan, Armstrong and Swix. Chon is directed toward animation. Chon splits the animation into a large number of files so they can be compressed and displayed separately, shortening the buffering time. (Page 5 Lines 1-10) Thus, Chon appears to display a smaller file of the complete animation while other animated

files are still buffering. In contrast, Armstrong for example teaches the opposite, that rich media content is displayed automatically once it has been transferred *in its entirety*. (Armstrong Para [0024]) The Chon and Armstrong references are not combinable because they explicitly teach two opposite ways of displaying the media content.

[0041]   Furthermore, claim 46 has been amended to recite that "the static image *is a first video frame representing an introductory section* to the video clip, *the introductory section comprising a plurality of frames each displaying a similar motionless content*, the first video frame being extracted from the video clip by the content provider as a formatted image file." None of the cited references teach this claimed feature.

[0042]   As shown above, the combination of Servan, Armstrong, Swix and Chon does not teach or render obvious all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims

[0043]   In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

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Conclusion

[0044] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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